

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

NGUYEN, QUANG KY

)
)
) Chapter 13
) Case No. 16-52743 MEH

)
) TRUSTEE'S OBJECTION TO CONFIRMATION
) WITH CERTIFICATE OF SERVICE

)
) 341 Meeting Date: NOVEMBER 7, 2016 @ 10:30 AM
) Confirmation Hearing Date: DECEMBER 2, 2016
) Confirmation Hearing Time: 11:00 AM
) Place: 280 S. 1st Street Room 3020
) San Jose, CA
) Judge: M. Elaine Hammond
)

Debtor(s)

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. The Trustee is unable to determine if the plan is in compliance with 11 U.S.C. §1325(a)(4). Schedule A lists Debtor's real property at 2469 Renfield Way, San Jose, CA 95148 with a fair market value of \$800,000.00. The Trustee requests that the Debtor obtain a broker's opinion as to the current value of the real property. The broker's opinion must include a detailed description of the property (i.e. square footage, lot size, number of bedrooms/bathrooms, condition,) and must include copies of the documentation used to determine the value.

2. The Trustee is unable to determine if the plan is in compliance with 11 U.S.C. §1325(a)(4). The Trustee requests a copy of the grant deed for the real property located at 2469 Renfield Way, San Jose, CA 95148.
3. The plan is not feasible pursuant to 11 U.S.C. §1325(a)(6). Section 1.01 of the Chapter 13 Plan indicates that Debtor shall make plan payments of \$225.00 per month for 60 months. This amount is not enough to cover secured debt, priority debt, attorney fees and Trustee's fees and the unsecured pool due to general unsecured creditors in the amount of \$7,932.67.
4. The Trustee is unable to determine if the Plan is in compliance with the liquidation test 11 U.S.C. § 1325(a)(4). The Debtor has listed a 2004 Toyota Sienna on Schedule A/B with a current value of \$2,475.00. The Debtor must provide the Trustee with written documentation to support the value of \$2,475.00. The written documentation must include a detailed description of the subject vehicle (i.e. year, make, model, approximate mileage, condition,) and must include copies of the documentation used to determine the value.
5. The Debtor has failed to comply with 11 U.S.C. §521(e)(2)(A)(i) and (B), in that he has not provided the Trustee with a copy of *Schedule B* of his 2015 federal income tax return. Until the Debtor provides the requested information, the Trustee is unable to perform her duties under 11 U.S.C. §1302(b)(1) (incorporating 11 U.S.C. §704(a)(4)) and is unable to recommend confirmation.
6. In order to assist the Trustee in determining whether the disposable income test in 11 U.S.C. §1325(b)(1)(B) is met, the Trustee requests that the Debtor provide her with a copy of each federal income tax return and W-2 form required under applicable law with respect to each tax year of the Debtor ending while the case is pending confirmation. The tax return shall be provided to her at the same time it is filed with the taxing authority.

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1 7. The Trustee is unable to determine whether the Debtor's Chapter 13 Plan complies with
2 11 U.S.C. §1325(a)(4). The Trustee's has filed an Objection to Debtor's Claim of
3 Exemptions which must be resolved prior to the Trustee recommending confirmation.
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6 Dated: November 1, 2016

/S/ Devin Derham-Burk

7 Chapter 13 Trustee
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Said envelopes were addressed as follows:

LAW OFFICES OF DAVID A BOONE
1611 THE ALAMEDA
SAN JOSE CA 95126

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